

REMARKS

The rejection of Claims 10-18 as being unpatentable over Yabe in view of DE '552 under 35 U.S.C. § 103(a) is traversed, and reconsideration is respectfully requested in view of the foregoing amendments and following comments.

Neither cited reference teaches or suggests a safety device in which the closing element is moved from the closed position in the opening direction or from the open position in the closing direction so that the opening is substantially but not fully closed as now recited in Claim 10. The Yabe air bag system is one in which the window pane or sunroof is driven from the normally-held closed position to the open position in the event that an actuating signal (e.g., sudden vehicle deceleration) is received. Nothing in this patent teaches keeping the opening substantially closed.

Likewise, as Applicants pointed out at paragraph [003] of this Specification, with respect to the DE '552 document the opening is fully closed in the event of an accident to prevent any possibility of foreign objects entering the vehicle. There is also nothing disclosed in this document to suggest that a gap should remain regardless of whether the closing element is moving from the closed position toward the opened position and vice versa. Thus, even a

combination of the teachings of these two documents would not result in the claimed invention herein.

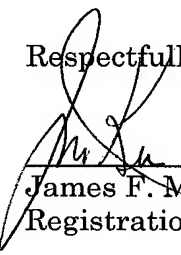
Accordingly, early and favorable action is currently solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.58135US).

Respectfully submitted,

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